MOTOR VEHICLES AND TRAFFIC REGULATION

Titling and Registration

HB 10-1113 (Signed into Law)

Transfer Ports of Entry from Department
of Revenue to Colorado State Patrol

HB 10-1268 (Postponed Indefinitely)
Register Vehicle Two Years

SB 10-144 (Signed into Law)

Mounted Equipment Registration Tax

Traffic Regulation

HB 10-1014 (Signed into Law)
Highway Work Zone Accident Reporting

HB 10-1238 (Signed into Law)
Wildlife Crossing Zones Traffic Safety

SB 10-184 (Signed into Law)
I-70 Mountain Corridor Trans Demand
Management

HB 10-1019 (Signed into Law)
Reserved Disabled Parking
Enforcement

SB 10-016 (Signed into Law)

Modify Toll Evasion Notice Process

SB 10-196 (Signed into Law)
Minimum Speeds Interstate 70

HB 10-1147 (Signed into Law) Safer Streets For Nonmotorized Transport

SB 10-110 (Signed into Law)

Primary Seat Belt Law

Regulation of Drug- and Alcohol-Related Driving Offenses

HB 10-1090 (Signed into Law)

Jail Sentence Driving Under Restraint

HB 10-1347 (Signed into Law)
Driving Under the Influence Penalties

Driver Education and Licensing

HB 10-1059 (Signed into Law)

Driver Education Minors Affidavit of

Liability

SB 10-015 (Signed into Law)
Driver's License & Permit Training

SB 10-040 (Postponed Indefinitely)

Motorcycle Safety Education

Program Fund

SB 10-157 (Postponed Indefinitely)
Resident Driver's License Motor Vehicle

Special License Plates

HB 10-1139 (Signed into Law)
Iraq Afghanistan Veteran License Plates

HB 10-1161 (Signed into Law) Livery License Plate SB 10-075 (Signed into Law)
Military Vehicles License Plates

SB 10-103 (Signed into Law)
Colorado State Parks License Plate

The General Assembly considered a variety of motor vehicle and traffic regulation measures during the 2010 legislative session, including measures addressing titling and registration, traffic regulation, regulation of drug- and alcohol-related offenses, driver education and licensing, and special license plates.

Titling and Registration

The General Assembly passed two bills pertaining to motor vehicle registration. A third bill addressing vehicle registration was postponed indefinitely.

Registration. House Bill 10-1113 transfers the Motor Carrier Safety Assistance Program from the Ports of Entry (POE) Section in the Department of Revenue (DOR) to the Colorado State

Patrol (CSP) in the Department of Public Safety (DPS) as of August 15, 2010. The bill also addresses the operation of the ports of entry and delineates certain enforcement actions between the DOR and the DPS. Specifically, ports of entry personnel may enforce the prohibition on the use of dyed fuels, but may not enforce minimum standards for commercial vehicles. Only CSP personnel are permitted to inspect vehicles carrying nuclear materials, or investigate violations related to their transport. In addition, the DOR, DPS, and the Colorado Department of Transportation (CDOT) are required to request proposals for a performance study of the ports of entry from private vendors. Subject to available appropriations, the performance study will assess the operations, potential cost savings or efficiencies, and which department should operate the ports of entry. If a study is completed, the selected vendor is directed to provide a report of its findings to the House Transportation and Energy Committee and the Senate Transportation Committee by June 1, 2011.

Under current law, Colorado's POE Section personnel ensure that commercial vehicle operators and their trucks are in compliance with all relevant state and federal laws and regulations including: compliance with weight and size limits, safety and insurance requirements, and possession of required licenses, registrations, and permits. The Colorado State Patrol Motor Carrier Safety Section is charged with ensuring the safe operation of all commercial vehicles and operators within the state and provides services such as motor vehicle safety inspections. The section provides enforcement of the Federal Motor Carrier Safety Regulations as adopted by the state.

Senate Bill 10-144 identifies a new category of equipment, "power takeoff equipment." Power takeoff equipment is equipment that is attached to the vehicle and is powered by the vehicle's engine. For example, the dump box of a dump truck could be classified as power takeoff equipment. Power takeoff equipment will be registered in the same manner as mounted equipment — by including its taxable value in the calculation of the vehicle's specific ownership taxes.

House Bill 10-1268, which was postponed indefinitely, would have required the DOR, no later than January 1, 2012, to develop a two-year registration program for Class B, Class C, Class D, and Class F vehicles. Vehicles registered under the two-year registration program would have been exempt from registration late fees, but would have been required to pay two years' worth of registration fees and specific ownership taxes. Vehicle owner participation in the program would have been optional. Under current law, the DOR already has the authority to offer the option of a two-year registration cycle but has never exercised this authority. The bill would have specifically required the DOR to implement the program.

Traffic Regulation

The General Assembly passed eight bills to modify state traffic laws. Five bills addressed traffic law, two addressed motor vehicle safety and operation, and one addressed bicycle and vehicle interaction.

Traffic law. House Bill 10-1014, recommended by the Transportation Legislation Review Committee (TLRC), directs CDOT and the CSP to present a joint annual report on fatal accidents in state highway work areas to the House Transportation and Energy Committee and Senate Transportation Committee. The report is to be delivered on or before February 15 of each year beginning in 2011, and, at a minimum, must include:

- the total number of fatal accidents and individuals killed;
- information on individuals killed;
- copies of all related accident reporting forms; and
- information about ongoing and newly implemented measures taken by CDOT to prevent fatal accidents in state highway work areas.

House Bill 10-1238 permits CDOT to establish wildlife crossing zones (zones) on public highways in which moving violation penalties and surcharges are doubled. Revenue from the doubling of penalties and surcharges is credited to the newly created Wildlife Crossing Zones Safety Account in the Highway Users Tax Fund (HUTF) and reimburses costs of establishing new zones. Zones are to be determined by CDOT in consultation with the Division of Wildlife in the Department of Natural Resources. The bill specifies the following about the zones:

- signs must designate the zone boundaries, any reduced speed limit, and that fines increase for moving violations;
- no more than 100 total miles of public highways can be designated as a zone; and
- zones may be established within federal highways of the state provided the federal government provides approval.

The bill also requires CDOT to report to the General Assembly about the number of miles of reduced speed limits, the impact of zones on accidents, and the department's recommendation for continued use of zones.

Senate Bill 10-016 modifies the manner in which civil penalty assessment notices of toll evasion that are evidenced by automatic vehicle identification technology are provided to an owner of a vehicle by:

- eliminating the requirement that a second civil penalty assessment notice be sent if the
 owner does not pay the civil penalty imposed by or otherwise respond to an initial civil
 penalty assessment notice; and
- increasing the length of time to pay or otherwise respond to an initial civil penalty assessment notice from 20 to 30 days.

Under current law, CDOT may already regulate the direction of travel on the state highway system, and the High-Performance Transportation Enterprise (HPTE) is authorized to enter into contracts with CDOT to complete surface transportation infrastructure projects or any public or private entity to facilitate private-public partnerships. **Senate Bill 10-184** clarifies existing powers of the HTPE and CDOT to contract for transportation demand management on Interstate 70 (I-70) and requires that any such contract set a goal for implementation. These provisions will not affect state or local government revenue or expenditures. Specifically, the bill:

- authorizes the HPTE to enter into a transportation demand management contract with CDOT to relieve traffic congestion during peak travel times in a specified portion of the I-70 mountain corridor by providing and operating reversible highway lanes within that portion of the corridor;
- specifies that, if a feasibility study of a moveable barrier system on I-70 is completed and demonstrates that such a system is viable and that life safety issues can be addressed, a transportation demand management contract may establish the goal of

- beginning the provision and operation of reversible highway lanes and reporting to the General Assembly no later than January 1, 2011; and
- further specifies that a transportation demand management contract may authorize the HTPE to enter into single-fiscal year or multiple-fiscal year operating lease agreements or capital lease or lease-purchase agreements with a private contractor as needed to provide and operate the reversible highway lanes.

Senate Bill 10-196 prohibits CDOT from setting a speed limit for one class of motor vehicle on I-70 that is more than 25 miles per hour less than the highest limit for another class of motor vehicle. For example, the bill would prohibit setting a commercial vehicle speed limit of 30 mph and a passenger vehicle limit of 65 mph on the same roadway stretch. The bill also prohibits a person from driving on a 6 percent uphill grade of I-70 at a speed that is less than 10 miles per hour below the speed limit or less than the minimum speed set by CDOT, except if necessary to obey traffic control devices, to enter or exit I-70, to compensate for the weather or traffic conditions, or to navigate a lane closure or blockage. The CDOT is to post signs notifying drivers of the restriction.

Motor vehicle safety and operation. Under current law, the driver, any front seat passengers, and children age 6 and older must wear a seat belt when the vehicle is in motion. Small children under age 6 must be in an appropriate child car seat. Violation of these requirements is a class B traffic infraction. Senate Bill 10-110 modifies child restraint requirements for children up to age 8. With some exceptions, these children must be in an age- and size-appropriate child seat in the rear seat of the vehicle. From ages 8 to 16, children can sit in the front or back seat so long as they use a safety belt or are in an appropriate child restraint device. The CSP and local law enforcement agencies are required to keep compilations of manufacturer's instructions for best-selling child restraint systems. From August 1, 2010, to August 1, 2011, drivers violating child restraint provisions set forth under the bill will only be issued a warning.

House Bill 10-1019 makes several changes regarding the reserved parking program for the disabled and placards for persons with disabilities. The bill:

- requires placard applications to include documentation from a doctor or other authorized professional certifying the disability under penalty of perjury;
- requires confirmation of a disability once every three years for a three-year placard;
- changes placards to have a "punch-out" system to identify expiration dates and have a sticker applied to it, much like a license plate;
- changes fines for illegal use of a placard or use of a parking space reserved for persons who are disabled;
- expands the misdemeanor to include devices that mimic a placard;
- authorizes peace officers to confiscate placards that are used in violation of the law;
- provides that a peace officer or property owner may have a vehicle towed if it is parked illegally in a reserved space and provides that the vehicle's owner is required to reimburse towing costs;
- provides that, if a person witnesses misuse of a placard, the person can notify a law enforcement agency without fear of disciplinary action from his or her employer; and
- provides that, if a pay parking provider does not have an accessible payment system, the provider cannot ticket or tow a person in the reserved parking program for the disabled for using a space without payment.

In addition, the bill creates a new cash fund, the Disabled Parking Education and Enforcement Fund, for the following uses:

- to provide moneys for a grant program or an education program about the eligibility standards, appropriate use of parking privileges, violations, and the advantages of a volunteer enforcement program;
- to create or make available a training program to assist professionals in determining the standards required to obtain a placard or license plate that permits parking in the reserved parking program; and
- for administration of the reserved parking program.

The fund receives one-half of reserved parking program ticket revenue. The grant and training programs are carried out by the Colorado Advisory Council for Persons with Disabilities in the Governor's Office.

Bicycle and vehicle interactions. House Bill 10-1147 directs CDOT, in collaboration with the departments of Education and Public Safety and other stakeholders, to make a transportation safety curriculum available to schools. The bill also requires a person between the ages of 2 and 18 who uses non-motorized, wheeled forms of transportation, including bicycles, scooters, skateboards, and inline skates, to wear a helmet. Local law enforcement may enforce violations of this requirement by providing a safety information card. The new safety information cards will be modeled on an electronic version developed by CDOT and other stakeholders, but printed and distributed at the local level. The bill specifies that the availability of safety information cards at the local level is subject to receiving funding from gifts, grants, and donations.

Regulation of Drug- and Alcohol-Related Driving Offenses

The General Assembly enacted two bills specific to drug- and alcohol-related driving offenses. **House Bill 10-1090** eliminates the mandatory five-day jail sentence for a person who is convicted of driving a motor vehicle or off-highway vehicle upon any highway of the state with knowledge that his or her license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason other than conviction of driving under the influence (DUI), DUI per se, driving while ability impaired (DWAI), habitual user, or underage drinking and driving. The bill eliminates the requirement that a court require an offender to immediately surrender his or her driver's license or instruction permit upon entry of a plea of guilty or *nolo contendere* to a driving-under-restraint violation. A court still must require an offender to immediately surrender his or her driver's license or instruction permit upon a verdict or judgment of guilt for a driving-under-restraint violation.

Current law provides one set of penalties for a first offense of DUI, DUI per se, DWAI, and driving as a habitual user of a controlled substance. A second, more restrictive set of penalties exists for any subsequent convictions of those offenses. **House Bill 10-1347** adjusts the penalties for second offenses of DUI and DWAI and creates new penalties for third and subsequent offenses of DUI and DWAI.

The bill also restricts an individual's participation in certain county jail sentencing alternatives (i.e. work, educational, and medical release), except under certain circumstances. In addition, repeat

offenders are not eligible for earned time, good time, or trusty prisoner status while serving their mandatory jail sentences, and must complete a period of probation of at least two years. The bill provides guidelines for the conditions of probation and raises the minimum persistent drunk driver surcharge from \$50 to \$100.

In sentencing persons for DUI, DWAI, DUI per se, and habitual user, courts are encouraged to require the use of approved ignition interlock devices by persons as a condition of bond, probation, and participation in work, educational, and medical release programs. An approved alcohol or drug treatment facility may not require a person to repeat any portion of an alcohol or drug treatment program that he or she has successfully completed while he or she was imprisoned.

Driver Education and Licensing

The General Assembly enacted two bills to change state laws pertaining to driver's licenses and driver education. Two bills addressing this issue were postponed indefinitely.

House Bill 10-1059 clarifies that a minor over 15 years old and in foster care is not required to complete an affidavit of liability to register for a driver education course prior to applying for an instructional permit.

Previously, if a minor, under age 18, qualified for his or her permit by taking the 30-hour driver's education course, he or she had to complete the additional behind-the-wheel requirements to qualify for a driver's license. In certain cases, this behind-the-wheel requirement would be more stringent than what was required of the person's peers who received their permits under less rigorous requirements. **Senate Bill 10-015**, recommended by the TLRC, eliminates any differences by making the maximum age for the additional behind-the-wheel training 16 years and 6 months.

Currently, surcharges on motorcycle licenses and registrations are credited to the Motorcycle Operator Safety Training Fund. These funds offset motorcycle safety training costs as part of the Motorcycle Operator Safety Training (MOST) Program, which is administered by the Office of Transportation Safety in CDOT. **Senate Bill 10-040**, which was postponed indefinitely, would have established a new motorcycle safety awareness program using moneys reallocated from the MOST fund.

For the purposes of motor vehicle law, "resident" is currently defined as a person who owns or operates a business in Colorado, or a person who has either lived in the state continuously for 90 days or been gainfully employed, whichever occurs first. **Senate Bill 10-157**, which was postponed indefinitely, would have changed the definition of "resident" to be:

- a person who owned or operated a business in Colorado;
- a person who lived in Colorado for either the last 90 days or 180 days, depending on whether or not the person would have possessed a valid commercial driver's license from another state; or
- a person who obtained employment in Colorado with no specific termination date.

Special License Plates

The General Assembly enacted four bills establishing new special license plates. **House Bill 10-1139** creates the "Veteran of the Afghanistan War" and the "Veteran of the Iraq War" special license plates for individuals who served in Afghanistan or Iraq. The plates will be available to applicants who pay the appropriate license fees based on the vehicle type and a one-time fee of \$25 that is credited equally to the HUTF and the Licensing Services Cash Fund (LSCF). To purchase the plate, applicants must provide DOR with evidence that demonstrates the applicant served during the time of the conflicts.

Senate Bill 10-103 creates the Colorado state parks special license plate. A person becomes eligible for the plate by donating \$44 to the foundation for Colorado state parks. In addition to the normal motor vehicle fees, the plate requires two one-time fees of \$25. One of the fees is credited to the HUTF and the other to the LSCF.

Currently, luxury limousines are issued standard license plates. **House Bill 10-1161** creates a livery license plate to be used by these vehicles. Taxicabs and other call-on-demand services will continue to have standard license plates. Failure to properly register a limousine is a class B traffic infraction punishable by a \$75 fine. The DOR is required to issue the plates to limousines upon registration or renewal, provided that the vehicle owner furnishes proof of being an authorized limousine service provider. The Public Utilities Commission in the Department of Regulatory Agencies is responsible for notifying service providers of the bill's requirements and providing verification of the provider's status.

Currently, the DOR assigns a motor vehicle a registration number that is displayed on the vehicle's license plate. **Senate Bill 10-075** authorizes the owner of a collector military vehicle to use the military identification number as the vehicle's registration number unless it would create a duplicate number. If the military identification number is stenciled on the side of the vehicle and is the vehicle's registration number, the military vehicle will not be issued a license plate. If the vehicle is issued a license plate, the license plate may be kept in the vehicle instead of being displayed on the outside.